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10 *Attorney for Secured Creditor, The Bank of New York Mellon, f/k/a Bank of New York, as*  
11 *Trustee, on behalf of the registered holders of Alternative Loan Trust 2006-OC2, Mortgage*  
12 *Pass-Through Certificates Series 2006-OC2*

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In re:

16 ILIA CHAROV

17 Debtor.

Case No.: 15-13297-mkn

Chapter: 13

**EX PARTE MOTION TO CONFIRM  
ABSENCE OF STAY**

18 Movant, The Bank of New York Mellon, f/k/a Bank of New York, as Trustee, on behalf  
19 of the registered holders of Alternative Loan Trust 2006-OC2, Mortgage Pass-Through  
20 Certificates Series 2006-OC2 ("BONY"), by and through its counsel of record, Christopher A. J.  
21 Swift, Esq. of Wright, Finlay & Zak, LLP, hereby moves this Court pursuant to 11 U.S.C. § 362,  
22 for its Ex Parte Order Confirming Absence of Stay as it applies to certain real property located in  
23 Maricopa County, Arizona.

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1 This Motion is based upon the attached Memorandum of Points and Authorities.

2 DATED this 7<sup>th</sup> day of July, 2015.

3 WRIGHT, FINLAY & ZAK, LLP

4 

5 Christopher A. J. Swift, Esq.

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9 *Attorney for Secured Creditor,*

10 *The Bank of New York Mellon, f/k/a Bank of New*  
*York, as Trustee, on behalf of the registered holders*  
*of Alternative Loan Trust 2006-OC2, Mortgage*  
*Pass-Through Certificates Series 2006-OC2*

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. INTRODUCTORY STATEMENT**

13 Movant, BONY, requests the Court to confirm there is no longer a stay in effect due to  
14 the instant case being the Debtor's second case within the last year. Thirty days have passed  
15 since the filing of the instant petition and Debtor has not requested the stay be continued.

16 **II. LEGAL STANDARD**

17 11. U.S.C. § 362(c)(3) states,

18 if a single or joint case is filed by or against a debtor who is an individual in a case  
19 under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the  
20 preceding 1-year period but was dismissed, other than a case refiled under a chapter other than  
21 chapter 7 after dismissal under section 707 (b)—

22 (A) the stay under subsection (a) with respect to any action taken with respect to a  
23 debt or property securing such debt or with respect to any lease shall terminate with respect to  
24 the debtor on the 30th day after the filing of the later case;

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III. STATEMENT OF FACTS

A. The Debtor's Bankruptcy Filings.

1. April 13, 2009, Ilia Charov filed a voluntary Chapter 13 petition in the District of Nevada, which resulted in case 09-15503-lbr. The case was dismissed on October 15, 2009, due to the debtor's failure to provide the trustee with copies of her bank statements, verification of funds, and a rental agreement.

2. On March 18, 2010, Ilia Charov filed her second voluntary Chapter 13 petition in the District of Nevada, which resulted in case 10-14429-lbr. The case was dismissed on August 3, 2010, due to the debtor's failure to pay her filing fee.

3. On October 15, 2013, Ilia Charov filed her third voluntary Chapter 13 petition in the District of Nevada, which resulted in case 13-18750-mkn. The case was dismissed on January 15, 2014, due to the debtor's failure to file her Schedules and her Statement of Financial Affairs.

4. On March 5, 2015, Ilia Charov filed her fourth voluntary Chapter 13 petition in the District of Nevada, which resulted in case 15-11153-mkn. The case was dismissed on May 28, 2015, due to the debtor's failure to attend the meeting of creditors, commence plan payments, and resolve the Trustee's Opposition to Confirmation

5. On June 5, 2015, Ilia Charov filed her fifth voluntary Chapter 13 petition in the District of Nevada, which resulted in the instant case. Case 15-13297-mkn is the debtor's second case filed within the last year.

6. More than thirty days have passed since the filing of the Debtor's bankruptcy petition on June 5, 2015, and she has not filed a motion to continue the stay.

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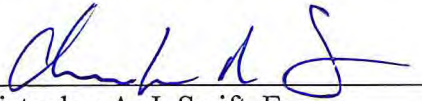
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IV. CONCLUSION

For the foregoing reasons, and based upon the evidence set forth in this Motion, this Court should grant the relief requested by BONY by entering an order confirming there is no longer a stay in effect pursuant to 11 U.S.C. § 362(c)(3)(A), including a waiver of the 14-day stay pursuant to Bankruptcy Rule 4001(a)(3), and for any other relief this Court deems just and appropriate.

DATED this 7<sup>th</sup> day of July, 2015.

WRIGHT, FINLAY & ZAK, LLP



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